

REMARKS/ARGUMENTS

Claims 1-3 and 5-53 remain in this application. Claim 4 has been previously canceled. Claims 54-222 have been withdrawn as a result of an earlier restriction requirement.

1. § 103 Rejections

The Examiner has rejected Claims 1-3, 17, 24-27 and 33 under 35 U.S.C. 103(a) as being unpatentable over Heitmann (US 5,609,666) in view of Siegfried (US 4,235,616).

Respectfully, the rejection is flawed. In particular, there is no motivation or suggestion to make the combination of Heitmann and Siegfried in the first place. First, it is clear that Heitmann did not recognize the desirability of utilizing an H-Free fuel, as it teaches the use of CH₄ (Col. 1, lines 59-62), i.e., an H-containing fuel. Because of the formation of water vapor by using an H-free fuel, Heitmann has tried to ameliorate the problem by providing a drying gas mixture from the inside out through the pores of the soot preform. There is no statement in Heitmann that it is deficient in any way, or that the preform is in further need of water reduction – but instead poses itself as *the solution*. As such, there is no requisite motivation for further modifying Heitmann. Examiner is reminded that he may not arbitrarily combine references without the requisite teaching, suggestion or motivation in the art to do so.

Furthermore, the drying gas mixture in Heitmann includes a chemically active gas and additional gases such as helium, argon and oxygen (Col. 4, lines 21-25). Examiner should note also that there is *no teaching whatsoever* that the environment provided to the soot preform in Heitmann be *substantially water-free*, as required by Claim 1. It simply says it is a drying atmosphere – Examiner is improperly inferring that it is *substantially water-free*. In particular, there is no mention about whether such *gases do or do not contain water*.

Further yet, Siegfried is directed to an IVD (an inside) process. Thus, one of ordinary skill in the art would not necessarily apply any of its teachings to an OVD (outside) process. Direct proof of this is the existence of Heitmann which, 13 years after the filing of Siegfried, chose another method to address the water problem in OVD. Clearly, Heitmann did not recognize the benefits that the claimed combination could provide.

Accordingly, for the reasons set forth above, the rejection of Claim 1 is improper and should be withdrawn.

In regards to Abbott et al (US 5,116,400), it obtains its gas from filtered room air and, thus, is not dry atmosphere as required by the claim.

In regards to Lemon et al (US 6,266,980) and Daito (JP 09110454), neither teach transfer in a substantially water-free environment. Specifically, neither reference refers to the water-free nature of the gas – they are both silent about it. Examiner is improperly *assuming obviousness at the point of novelty*.

The rejections made by combining Heitmann and Siegfried and other references are equally flawed in that the addition of another reference does not remedy the

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fundamental deficiency of the basic combination. Accordingly, the rejections of Claims 2-3 and 5-53 should also be withdrawn.

2. Conclusion

Based upon the above amendments, remarks, and papers of records, Applicants believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that no extension of time is necessary to make this Reply timely. Should Applicants be in error, Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

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